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MEMO ENDORSED

Hon. Colleen McMahon
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007-1312

Re: Diaz, et al. v. NBC Universal, Inc., Civ. Case No. 08-CV-00401 (CM)

2/1/08

Dear Judge McMahon:

We write as counsel for NBC Universal, Inc., defendant in the above-referenced action, to ask permission to file two exhibits in hard copy in connection with defendant's opposition to plaintiffs' application for injunctive relief and cross-motion to dismiss plaintiffs' complaint, which will be filed with the Court tomorrow.

The exhibits that defendant seeks to file in hard copy are: (1) a time-coded DVD of the feature film "American Gangster" ("the Film"), and (2) an excerpted DVD that contains the statement at issue and relevant portions of the Film. The Complaint arises from the Film, and the DVDs cannot be filed through the ECF system.

We attach a proposed order for Your Honor's convenience, and we thank the Court for its prompt consideration of this request.

Respectfully yours,

Robert D. Balin

Enclosure

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